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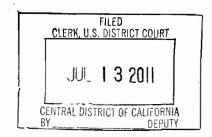
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Todd M. Friedman (216752) **Darin Shaw (251037)** Law Offices of Todd M. Friedman, P.C. 369 S. Doheny Dr. #415 Beverly Hills, CA 90211 Phone: 877 206-4741

Fax: 866 633-0228

tfriedman@attorneysforconsumers.com dshaw@attorneysforconsumers.com Attorney for Plaintiff



UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

LISA JOHNSON,	*) CP=No11-05768SS
Plaintiff,) COMPLAINT FOR VIOLATION
i iameni,) OF FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
) AND ROSENTHAL FAIR DEBT
MONARCH RECOVERY) COLLECTION PRACTICES ACT
MANAGEMENT, INC.,)
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Defendant.)
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INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq. (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, et seq. (hereinafter "RFDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

III. PARTIES

- 3. Plaintiff, Lisa Johnson ("Plaintiff"), is a natural person residing in Los Angeles county in the state of California, and is a "consumer" as defined by the FDCPA, 15 U.S.C. §1692a(3) and is a "debtor" as defined by Cal Civ Code §1788.2(h).
- 4. At all relevant times herein, Defendant, Monarch Recovery Management, Inc., ("Defendant") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692a(5), and a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6), and RFDCPA, Cal Civ Code §1788.2(c).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

- 6. On average, Plaintiff received from Defendant, more than two collections calls per day, more than ten collections calls per week, and more than twenty collections calls per month.
- 7. Defendant contacted Plaintiff at times and places that were known to be inconvenient and with such a frequency as to constitute harassment under the circumstances.
- 8. On or about April 19, 2011, Defendant contacted Plaintiff in connection with an attempt to collect an alleged debt.
- 9. On more than one occasion, Plaintiff requested validation of the alleged debt from Defendant, during telephone communications and in a letter dated April 22, 2011.
- 10. Defendant, to date, has failed to provide validation of the alleged debt in writing.
- 11. Defendant used false representations and deceptive practices in connection with an attempt to collect an alleged debt, including but not limited to, threatening to mark Plaintiff's request for validation as a refusal to pay the debt.
- 12. On more than one occasion, Defendant threatened that failure to pay an alleged debt would result in a legal action taken against Plaintiff.

an alleged debt would result in the seizure or garnishment of Plaintiff's property

On more than one occasion, Defendant threatened that failure to pay

On or about May 2, 2011, Plaintiff's counsel sent a letter informing

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and wages.

Defendant cease and desist from contacting plaintiff directly in connection with an attempt to collect an alleged debt.

15. Despite Plaintiff's counsel's efforts, Defendant continued to contact

Defendant that Plaintiff had been retained by counsel and requesting that

16. Defendant's conduct violated the FDCPA and the RFDCPA in multiple ways, including but not limited to:

Plaintiff directly, including but not limited to, a call made on May 19, 2011.

- a. Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal Civ Code §1788.11(d));
- b. Communicating, by telephone or in person, with Plaintiff with such frequency as to be unreasonable and to constitute an harassment to Plaintiff under the circumstances (Cal Civ Code §1788.11(e));
- c. Causing Plaintiffs telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff (§1692d(5));
- d. Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff (§1692c(a)(1));

- e. Falsely representing the character, amount, or legal status of Plaintiff's debt (§1692e(2)(A));
- f. Falsely representing or implying that nonpayment of Plaintiff's debt would result in the seizure, garnishment, attachment, or sale of Plaintiff's property or wages, where such action is not lawful or Defendant did not intend to take such action (§1692e(4));
- g. Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken (§1692e(5));
- h. Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff (§1692e(10);
- i. In connection with collection of a debt, using language the natural consequence of which was to abuse Plaintiff (§1692d(2));
- j. Engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff (§1692d));
- k. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in the initial communication with Plaintiff, or in writing within 5 days thereof (§1692g(a));
- 1. Overshadowing the disclosures required by 15 USC § 1692g(a) during the thirty-day dispute period (§1692g(b));
- m. Falsely representing that a legal proceeding has been, is about to be, or will be instituted unless payment of a consumer debt is made (Cal Civ Code §1788.13(j));

- n. Threatening to take an action against Plaintiff that is prohibited by § 1788 of the California Civil Code (Cal Civ Code §1788.10(f)); and
- o. Where Defendant had not yet made an attempt to contact Plaintiff's counsel or had not given Plaintiff's counsel sufficient time to respond to the initial attempt to communicate with Plaintiff's counsel, and where Plaintiff's counsel had not given Defendant permission to contact Plaintiff directly, communicating with Plaintiff directly after learning that Plaintiff is being represented by counsel (§ 1692c(a)(2).
- 17. As a result of the above violations of the FDCPA and RFDCPA Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

18. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. Declaratory judgment that Defendant's conduct violated the FDCPA;

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 9th day of July, 2011.

By:

Todd M. Friedman (216752) Law Offices of Todd M. Friedman, P.C. 369 S. Doheny Dr. #415 Beverly Hills, CA 90211

Phone: 877 206-4741 Fax: 866 633-0228

tfriedman@attorneysforconsumers.com

Attorney for Plaintiff

Complaint - 8

Document 1 Filed 07/13/11 Page 9 of 11 Case 2:11-cv-05768-GAF-AG Todd M. Friedman, Esq. Law Offices of Todd M. Friedman, P.C. 369 S. Doheny Dr., #415 **ORIGINAL** Beverly Hills, CA 90211 Phone: 877-206-4741 Fax: 866-633-0228 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA LISA JOHNSON CASE NUMBER CV11-05768ss. PLAINTIFF(S) ٧. MONARCH RECOVERY MANAGEMENT, INC. **SUMMONS** DEFENDANT(S). DEFENDANT(S): MONARCH RECOVERY MANAGEMENT, INC. TO: A lawsuit has been filed against you. Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached 🗹 complaint 🗆 _____ amended complaint □ counterclaim □ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Todd M. Friedman , whose address is Law Offices of Todd M. Friedman, 369 S. Doheny Dr., #415, Beverly Hills, CA 90211 . If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court. Clerk, U.S. District Court JUL 1 3 2011 Dated: Deputy Clei (Seal of the Co. [Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

SUMMONS

CV-01A (12/07)



FOR OFFICE USE ONLY:

Case Number:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

CIVIL COVERSHEET													
I (a) PLAINTIFFS (Check box if you are representing yourself □) LISA JOHNSON				D	DEFENDANTS MONARCH RECOVERY MANAGEMENT, INC.								
 (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Todd M. Friedman, Esq, Law Offices of Todd M. Friedman, P.C. 369 S. Doheny Dr., #415, Beverly Hills, CA 90211 				representing A	Attorneys (If Known)								
II. BASIS OF JURISDICTIO	N (Place	e an X in one box only.)		III. CITIZENSH (Place an X ii					For Diversity Cases	s Only			
☐ 1 U.S. Government Plaintiff	2 /3	Federal Question (U.S. Government Not a Party)	Citizen of This Sta				DEF	Incorporated or F			PTF □ 4	DEF
☐ 2 U.S. Government Defendan	it 🗆 4	Diversity (Indicate Citize of Parties in Item III)	enship	Citizen of Another	State		□ 2	□ 2	Incorporated and of Business in Ar			□ 5	□ 5
				Citizen or Subject	of a Fore	ign Country	\square 3	□ 3	Foreign Nation			□ 6	□6
IV. ORIGIN (Place an X in one box only.) 1V. Original Proceeding State Court Appellate Court Reopened Reopened State Court Reopened Reope													
V. REQUESTED IN COMPL	AINT:	JURY DEMAND: 🗹	es 🗆	No (Check 'Yes' o	nly if de	manded in cor	nplain	t.)					
CLASS ACTION under F.R.C	.P. 23:	☐ Yes ☑ No		□мо	NEY D	EMANDED I	IN CO	MPLA	AINT: \$				
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)													
15 USC 1692 Violation of			Act										
VII. NATURE OF SUIT (Place	e an X	in one box only.)	,										•
□ 400 State Reapportionment □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce/ICC Rates/etc. □ 460 Deportation □ 470 Racketeer Influenced and Corrupt Organizations □ 480 Consumer Credit □ 490 Cable/Sat TV □ 810 Selective Service □ 850 Securities/Commodities/ Exchange □ 875 Customer Challenge 12 USC 3410 □ 890 Other Statutory Actions □ 891 Agricultural Act □ 892 Economic Stabilization Act □ 893 Energy Allocation Act □ 895 Freedom of Info. Act □ 900 Appeal of Fee Determination Under Equal Access to Justice □ 950 Constitutionality of	120	Insurance Marine Miller Act Negotiable Instrument Recovery of Overpayment & Enforcement of Judgment Medicare Act Recovery of Defaulted Student Loan (Excl. Veterans) Recovery of Overpayment of Veteran's Benefits Stockholders' Suits Other Contract Contract Product Liability Franchise EAL PROPERTY Land Condemnation Foreclosure Rent Lease & Ejectment Torts to Land Tort Product Liability All Other Real Property	310	TORTS ISONAL INJURY Airplane Airplane Product Liability Assault, Libel & Slander Fed. Employers' Liability Marine Marine Product Liability Motor Vehicle Motor Vehicle Motor Vehicle Product Liability Other Personal Injury Personal Injury- Med Malpractice Personal Injury- Med Malpractice Personal Injury- Product Liability Asbestos Personal Injury Product Liability MIGRATION Naturalization Application Habeas Corpus- Alien Detainee Other Immigration	370	PERSONAL PROPERTY Other Fraud Truth in Len Other Persor Property Dar Property Dar Product Liab NKRÜPTCY Appeal 28 U 158 Withdrawal USC 157 VIL RIGHTS Voting Employment Housing/Acc mmodations Welfare American wi Disabilities Employment American wi Disabilities - Other Other Civil Rights	mal mage mage bility / SC 28 co-	510	Other Civil Rights Prison Condition RESITURE/ PENALTY Agriculture Other Food & Drug Drug Related Seizure of Property 21 USC 881 Liquor Laws R.R. & Truck Airline Regs Occupational Safety /Health	□ 710 □ 720 □ 730 □ 740 □ 790 □ 791 □ PRC □ 820 □ 830 □ 840 □ 861 □ 862 □ 863 □ 864 □ 865 □ FEDE □ 870 □ 871	Trademan CIAL SEC HIA (139 Black Lu DIWC/D (405(g)) SSID Titl RSI (405 ERAL TA Taxes (U or Defend IRS-Third	gmt. gmt. gmt. gmt. gevents gevent	TY 34 23) I UITS: 3 aintiff
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TV11-05768

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

CV-71 (05/08) CIVIL COVER SHEET Page 1 of 2

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Ha If yes, list case number(s):	s this action been pr	eviously filed in this court an	d dismissed, remanded or closed? No □ Yes					
VIII(b). RELATED CASES: Hav If yes, list case number(s):	e any cases been pre	eviously filed in this court tha	t are related to the present case? 🗹 No 🗆 Yes					
□ °C.	Arise from the same Call for determinati For other reasons w	e or closely related transaction on of the same or substantiall ould entail substantial duplica	ns, happenings, or events; or ly related or similar questions of law and fact; or ation of labor if heard by different judges; or and one of the factors identified above in a, b or c also is present.					
IX. VENUE: (When completing the	following informat	ion, use an additional sheet if	necessary.)					
* * * * * * * * * * * * * * * * * * * *	•		f other than California; or Foreign Country, in which EACH named plaintiff resides. this box is checked, go to item (b).					
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country					
Los Angeles								
			f other than California; or Foreign Country, in which EACH named defendant resides. If this box is checked, go to item (c).					
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country					
		•	Pennsylvania					
(c) List the County in this District; Note: In land condemnation c:			f other than California; or Foreign Country, in which EACH claim arose.					
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country					
Los Angeles								
* Los Angeles, Orange, San Bernar Note: In land condemnation cases, us			an Luis Obispo Counties					
X. SIGNATURE OF ATTORNEY (OR PRO PER):		Date July 9, 2011					
Notice to Counsel/Parties: The or other papers as required by law	ne CV-71 (JS-44) Ci	ed by the Judicial Conference	mation contained herein neither replace nor supplement the filing and service of pleadings of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ing the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)					
Key to Statistical codes relating to Sc	ocial Security Cases:							
Nature of Suit Code	Abbreviation	Substantive Statement of	Cause of Action					
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))						
. 862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)						
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))						
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security						

CV-71 (05/08) CIVIL COVER SHEET Page 2 of 2

All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security

All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42

Act, as amended. (42 U.S.C. 405(g))

U.S.C. (g))

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